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4 Attorneys for Plaintiff
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 BOARD OF TRUSTEE OF THE NORTHERN)	NO. C 07 4133 EMC
11 CALIFORNIA FLOOR COVERING, et al.)	
)	DECLARATION OF ATTORNEY
12 Plaintiff,)	MICHAEL J. CARROLL IN
)	SUPPORT OF PLAINTIFF'S
13 vs.)	EX PARTE APPLICATION FOR
)	ORDER TO CONTINUE CASE
14 CONCRETE SURFACE MASTERS, etc.)	MANAGEMENT CONFERENCE
)	
15 Defendant.)	
16 _____)	

17 I, MICHAEL J. CARROLL, certify:

18 1. I am an attorney with the law firm of Erskine &
19 Tulley, A Professional Corporation, attorneys for plaintiff, BOARD
20 OF TRUSTEES OF THE NORTHERN CALIFORNIA FLOOR COVERING INDUSTRY
21 WELFARE FUND; STEVE HAVENS, TRUSTEE, in this action. I am duly
22 admitted to practice law in the United States District Court,
23 Northern District of California. If called as a witness, I could and
24 would competently testify as follows:

25 2. Service was accomplished upon the only party in this
26 case on September 21, 2007. No responsive pleading was filed.

27 3. Defendant has paid all ERISA contributions due and
28 is working out a payment plan for damages and costs.

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, CA 94104. On February 21, 2008 I served the within DECLARATION OF ATTORNEY MICHAEL J. CARROLL IN SUPPORT OF EX PARTE APPLICATION FOR ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, CA, addressed as follows:

Dick Hodge
Concrete Surface Masters
1435 Koll Circle #107
San Jose, CA 95112

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on February 21, 2008 at San Francisco, CA.

/s/Sharon Eastman
Sharon Eastman